

REMARKS

I. Status of Claims:

Claims 1 to 7, and 9 to 18 are in this application and are presented for consideration. By this Amendment, Applicant has amended claims 1 to 6. Furthermore, Applicant has added new claims 9 through 18.

II. Objection of the Title:

The Examiner objects to the title of the invention.

In response, Applicant has amended the title as requested by the Examiner.

III. Drawings:

The Examiner rejects the drawings under 35 CFR §1.83(a).

In response thereto, new formal drawings are being submitted. The new formal drawings address the Examiner's concern.

IV. Claim Rejections - 35 U.S.C. §102(a), 103(a):

The Examiner rejects claims 1, 2, 4, 6, and 7 under 35 U.S.C. §102(a) as being anticipated by or, in the alternative under 35 U.S.C. §103(a) as being obvious over the U.S. Patent Publication No. 2002/0096486 A1 to Bourque et al. (the "Bourque et al. '486" reference, hereinafter").

Amendments to the Drawings:

Attached, herewith, are formal drawings which substitute for the informal drawings filed. In the formal drawings, Figs. 4, 5, 9 and 10 have been amended to include appropriate symbols and with liquid filed in at the torso portion 14. In addition, the formal set of drawings also shows Figs. 6, 7, and 8 with additional numerals properly indicating the numerals referred to in the Specification. The formal set of drawings are supplemented by a set of Marked-up set indicating the changes that were made to the drawings.

Applicant requests that the Examiner approve the attached formal set of drawing as submitted.

Claim 1 specifically recites that the bottle includes three-dimensional logos embedded into the wall of the bottle, where the three-dimensional logos form the thermal expansion panels.

The Examiner cites the Bourque et al. '486 reference as the relevant art. Bourque et al. '486 discloses conventional vacuum panels 55. Bourque et al. '486 reference also discloses a grip portion 65 below the shoulder 60, which may also act as an auxiliary vacuum panel. The Bourque et al. '486 reference also includes a logo in the form of raised or embossed (depressed) lettering, logos, characters, or other designs. Page 3, Paragraph 33.

However, the Bourque et al. '486 reference does not clearly disclose that the logo itself forms the thermal expansion panel. Rather, it states that "*the vacuum panels 55 may not be sufficient to compensate for the amount of internal vacuum forces that tend to collapse the vacuum panels 55 during the hot-fill process. As such, the grip portion 65 is also designed such that it can act as an auxiliary vacuum panel by flexing inwardly during cooling and volumetric shrinkage to accommodate any additional internal vacuum forces that are not accommodated by the vacuum panels 55 in the bottom portion 50 of the container 10.*" Page 3, Paragraph 34.

Nowhere does it say that logo 70 functions as the thermal expansion panel. Therefore, for anticipatory purpose, Bourque et al. '486 does not disclose the present invention as claimed in claim 1.

More specifically, the present Application recites in claim 2 that the three dimensional logos constitute the whole of the thermal expansion panels. Clearly, the Bourque et al. '486 reference does not show such feature. Therefore, it is respectfully stated that the Bourque et al. '486 reference does not anticipate the present invention as claimed in claims 1 through 7.

The Examiner also rejects above claims under 35 U.S.C. §103(a) as being obvious over the Bourque et al. '486 reference. Further, the Examiner rejects claim 3 and claim 5 as being

obvious by combining the Bourque et al. '486 reference with the U.S. Patent Publication No. 2002/0000421 to Ota et al. (the "Ota et al. '421" reference, hereinafter) and the U.S. Design Patent No. 398,539 to Guislain (the "Guislain '539" reference, hereinafter) respectively.

As described above, the Bourque et al. '486 reference does not disclose using a three-dimensional logo as a thermal expansion panel. Rather, the entire grip 65, and not the logo shaped thereon, serves as the auxiliary vacuum panel. In fact, the Bourque et al. '486 reference states that the logo may be in the form of a label 67 that is applied, e.g., using an adhesive, to the grip portion 65. As the device of the Bourque et al. '486 reference may apply a label as a logo, it stands to reason that the Bourque et al. '486 reference can not rely on using the logo as the thermal expansion panel. Thus, the Bourque et al. '486 reference teaches away from the feature of the present invention where an embossed or raised logo itself serves as the thermal expansion panel.

More specifically, the Bourque et al. '486 reference could not suggest that the logo is the sole thermal expansion panel as claimed in claim 2.

V. Conclusion:

In summary, Applicant's invention is not anticipated nor suggested by the combination of the references. Accordingly, Applicant respectfully requests the withdrawal of the rejection and that the Examiner favorably consider the claims as now presented in view of the claims and the discussion above. Applicant respectfully solicits allowance of this application.

It is Applicant's position that all claims are now allowable. Should the Examiner determine that issues remain that have not been resolved by this response, the Examiner is requested to contact Applicant's representative at the number listed below.

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Favorable action is requested.

Respectfully submitted,

A handwritten signature in black ink, enclosed within a large, hand-drawn oval. The signature appears to be 'DK' or similar initials.

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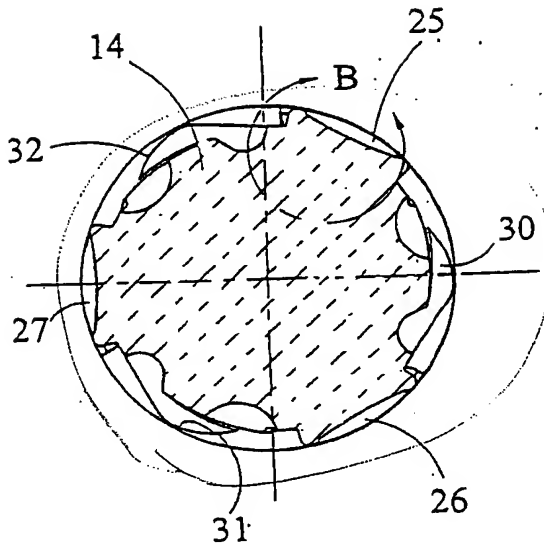


FIG 4

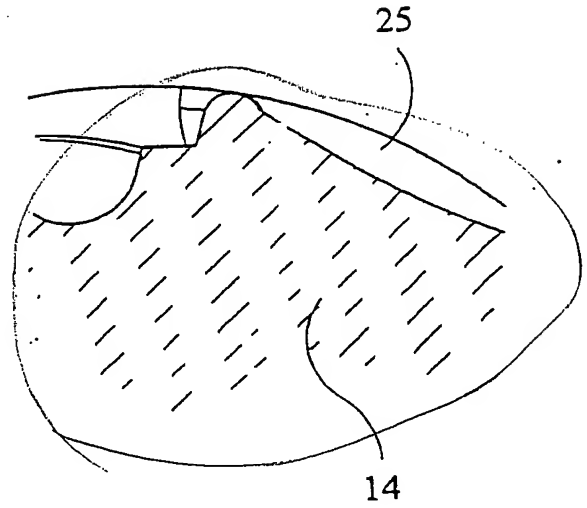
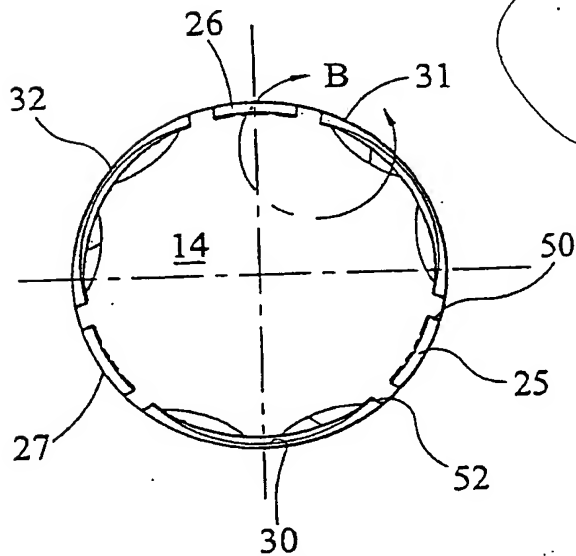
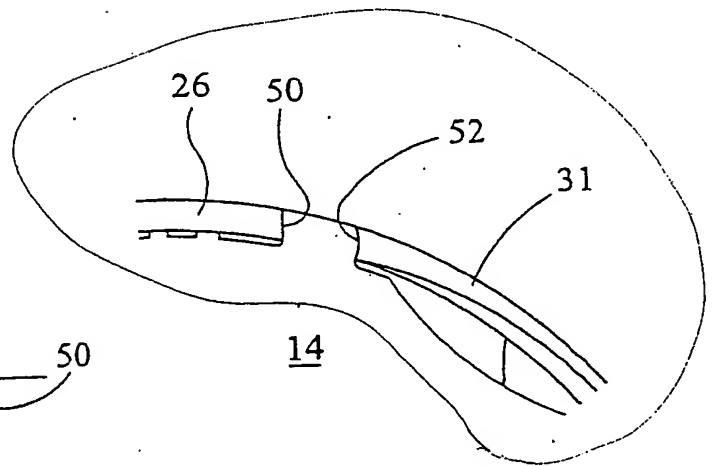


FIG 5



Section A-A

FIG 9



Detail B

FIG 10

